

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re BAYCOL PRODUCTS LITIGATION

MDL No. 1431 (MJD/SRN)

This Document Relates to:
United States ex rel. Simpson,

Case No. 08-5758

Plaintiff,

ORDER

v.

Bayer Healthcare, et al.,

Defendants

Robert Sadowski, Olshan, Grundman, Frome, Rosenzweig & Wolosky, LLP, 65 E. 55th St., New York, New York 10022, on behalf of Plaintiff/Relator Laurie Simpson

Philip Beck and Adam Hoeflich, Bartlit, Beck, Herman, Palenchar & Scott, LLP, 54 W. Hubbard St., Suite 300, Chicago, IL 60603; Susan Weber and James Hemmings, Sidley Austin, LLP, One South Dearborn St., Chicago, IL 60603; and Peter Sipkins, Dorsey & Whitney, LLP, 50 S. 6th St., Suite 1500, Minneapolis, Minnesota 55402, on behalf of Defendant Bayer Corporation

SUSAN RICHARD NELSON, United States Magistrate Judge

This case is before the undersigned United States Magistrate Judge on the Expedited Motion for Leave to File a Brief Sur-Reply filed by Plaintiff/Relator Laurie Simpson (Doc. No. 43.)

Defendant Bayer filed a Motion to Compel (Doc. No. 34) on November 13, 2009, to which Ms. Simpson responded on December 4, 2009. (Doc. No. 37). Defendant then sought permission to file a reply memorandum, which this Court granted on December 23, 2009. (Order of 12/23/09, Doc. No. 41). Defendant filed its reply on December 29, 2009 (Doc. No. 42), and Ms. Simpson now moves for permission to file a sur-reply memorandum in response to issues raised by Defendant in its reply memorandum. Having permitted Defendant to file a reply

memorandum, the Court also permits Ms. Simpson to file her proposed sur-reply memorandum.

Accordingly, **IT IS HEREBY ORDERED** that the Expedited Motion for Leave to File a Brief Sur-Reply by Laurie Simpson (Doc. No. 43) is GRANTED.

Dated: January 8, 2010

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States Magistrate Judge